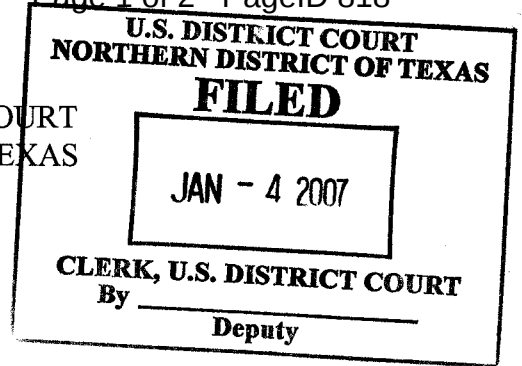


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



UNITED STATES OF AMERICA

v.

DELISSA MARIE VALDEZ

§
§
§
§
§

2:02-CR-0060 (02)

**ORDER ADOPTING REPORT AND RECOMMENDATION and DENYING
MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE IN PART**

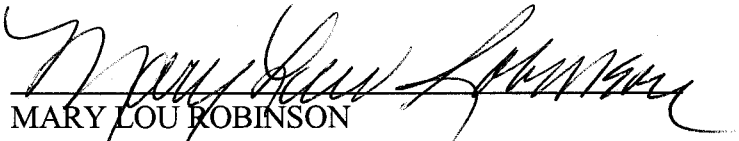
Defendant has filed a motion to vacate, set aside or correct sentence by a person in federal custody. A Report and Recommendation was issued by the United States Magistrate Judge and filed on December 12, 2006. The Magistrate Judge recommended denying petitioner's motion to vacate on all issues except the issue of whether an illegal search of defendant's residence occurred and whether the defendant received ineffective assistance of counsel based on counsel's failure to file a motion to suppress because of the alleged failure of officers to "knock and announce" prior to executing a search warrant. The Magistrate has reserved that issue for an evidentiary hearing. No objections to the Report and Recommendation have been filed of record as of this date.

The United States District Judge has made an independent examination of the record in this case and has examined the Report and Recommendation of the Magistrate Judge. The District Judge is of the opinion the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. It is the further ORDER of the Court that the motion to vacate, set

aside or correct sentence is DENIED except for the portion of the motion relating to ineffective assistance of counsel as set forth in the Report and Recommendation.

IT IS SO ORDERED.

ENTERED this 4th day of January 2007.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE